

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/809,519
Attorney Docket No.: Q80709

REMARKS

Claims 1-15 are all the claims pending in the application. Claim 1 has been amended. Support for the amendment can be found in the specification, such as on page 3. Therefore, no new matter has been added.

Claims 1-15 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103 as allegedly being obvious over U.S. Patent No. 6,598,632 to Moreland *et al.* ("Moreland '632").

Applicants respectfully traverse this rejection.

Claim 1 presently recites that R² in Formula (III) is an alkyl group or alkenyl group having a carbon number of 18 to 24.

In contrast, Moreland '632 discloses that Compositions 1-8 listed in Table 1 thereof include butadiene rubber and one of the SYNPERONIC surfactants. *See*, Table 1. For example, Moreland '632 discloses that the SYNPERONIC A4 is represented by the following formula:



where the alkyl groups are "aryclic" ones that comprise from 13 to 15 atoms of carbon. *See*, col. 3, lines 50-61. The alkyl groups in SYNPERONIC A4 is different from the group represented by R² in Formula (III).

The other SYNPERONIC surfactants include SYNPERONIC LF/RA 280, SYNPERONIC L7, SYNPERONIC A2, SYNPERONIC 91/2.5, and SYNPERONIC 13/3. Applicants respectfully submit that each of these other SYNPERONIC surfactants similarly fail to describe that the alkyl groups thereof have a carbon number of 18 to 24.

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With respect to the obviousness aspect of the rejection, Applicants respectfully submit that a person of ordinary skill in the art would not have been motivated to modify the alkyl groups in the SYNPERONIC surfactants to an alkyl group having a carbon number of 18 to 24.

Moreland '632 teaches that the average carbon number of 14 provides a glossy black color. *See*, col. 2, lines 31-35. The teaching of a glossy black color does not suggest modifying the carbon number to 18 to 24, as a glossy black color does not teach that a surfactant having a carbon number of 18 to 24 can exist in a stable state in a rubber over a long period of time. In this regard, Moreland '632 fails to suggest an alkyl group having a carbon number of 18 to 24.

Further, based on the carbon numbers for the alkyl groups present in the SYNPERONIC surfactants, a person of ordinary skill in the art would have appreciated that Moreland '632 teaches using the SYNPERONIC surfactants for the purpose of short-term effects in appearance. Such a use of surfactants fails to suggest modifying the SYNPERONIC surfactants for the purpose of improving long term effects. Moreland '632 fails to teach that a carbon number of 18 to 24 can have the surfactant thereof stably present in the rubber for a long period of time. As such, a person of ordinary skill in the art would not have been motivated to modify the carbon number to 18 to 24. Moreover, a person of ordinary skill in the art would have appreciated that surfactants with a carbon number of 18 to 24 are typically used for cosmetics.

Claims 2-15 depend directly or indirectly from Claim 1. Therefore, Claims 2-14 are patentable for at least the same reasons as Claim 1.

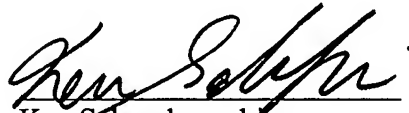
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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23373

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Date: September 5, 2006